

1876-127

EASTERN BAND OF CHEROKEE INDIANS.

JUNE 9, 1876.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MORGAN, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3636.]

The Committee on Indian Affairs, to whom were referred the bills (H. R. 1987, 3361, and 3358) to authorize and enable the Eastern band of the Cherokee Indians to institute and prosecute a suit or suits in the Court of Claims, respectfully submit the following report :

It appears that a controversy has arisen as to the right of the Eastern band of Cherokees, still living in North Carolina, to participate in the funds of the Cherokee Nation, which removed to the Indian Territory. This matter has long been before the Department of the Interior and persistently urged by said Eastern band of Cherokees, but has generally been reported adversely, although it received the favor of E. P. Smith, the immediate predecessor of the present Commissioner of Indian Affairs. Without going into a detailed examination of the facts in the case, and with the view that said claim may have possibly something of merit, and without pretending to pass upon the questions involved, and in order to obtain a definite and final settlement of a question which is a disturbing and even a demoralizing element among the claimants, it seems proper that the case should receive that deliberate and searching investigation and criticism which can be better given to it in a court of competent jurisdiction than either in the Interior Department or in the press and hurry of business in the Congress of the United States. The Secretary of the Interior, being the guardian of the funds of the Cherokee Nation, is to be made a party defendant in the case. The claimants are authorized to employ attorneys to prosecute the suit before said Court of Claims, who shall receive only such reasonable compensation as shall be fixed by said Court of Claims after the final determination of the suit. It is also provided that the incidental expenses of said suit, other than attorneys' fees, not to exceed the sum of \$10,000, shall be paid from time to time by the Secretary of the Interior, out of any funds in his hands or under his control belonging to said Eastern band of Cherokees. The committee therefore report back the accompanying bill giving the Court of Claims jurisdiction to hear and determine said case, and recommend its passage.

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